

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ROBERT LEAVENS,

Plaintiff,

v.

MASSACHUSETTS DEPARTMENT OF
ENVIRONMENTAL PROTECTION and
UNITED STATES COAST GUARD,

Defendants.

Civil Action No.: 10-11061-GAO

ROBERT LEAVENS,

Plaintiff,

v.

MASSACHUSETTS DEPARTMENT OF
ENVIRONMENTAL PROTECTION and
UNITED STATES COAST GUARD,

Defendants.

Civil Action No.: 10-11602-RWZ

PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL
OF (1) ALL CLAIMS AS AGAINST THE UNITED STATES
COAST GUARD AND (2) OF COUNT II

Robert Leavens ("Plaintiff") files this Notice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i) in each of the two above-referenced actions (for which a joint motion to consolidate is pending) – hereby voluntarily dismissing in each action, without prejudice, all claims against the United States Coast Guard ("USCG") and Count II.

Plaintiff is preserving Count I in each action as asserted against the defendant Massachusetts Department of Environmental Protection ("MassDEP") under the Massachusetts Administrative Procedure Act, M.G.L. c. 30A, § 14.

This Notice is filed before the USCG has served an answer or a motion for summary judgment, and is, therefore, timely filed under Fed. R. Civ. P. 41(a)(1)(A)(i). MassDEP has confirmed, through its counsel, that it has no objection to the partial dismissal of claims accomplished through the filing of this Notice.

Respectfully submitted,
ROBERT LEAVENS,

By his attorney,

/s/ Jeffrey L. Roelofs
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Dated: November 3, 2010

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent via U.S. Mail to the following:

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/s/ Jeffrey L. Roelofs
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